REMARKS

Introduction

Claims 1, 3-4, 6 and 8-10 are currently pending and stand rejected under 35 U.S.C. §103(a). Claims 2, 5 and 7 have been cancelled herein, without prejudice.

Reconsideration is respectfully requested based on the following.

Rejection of Claims 2 and 5 under 35 U.S.C. §102(b)

Claims 2 and 5 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 05,248,191 issued to Kondo et al. In view of the cancellation of claims 2 and 5, it is submitted that this rejection is moot.

Rejection of Claims under 35 U.S.C. §103(a)

Claims 1, 3, 6 and 8

Claims 1, 3, 6 and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,456,523 issued to Boehringer in view of U.S. Patent No. 5,952,799 issued to Maisch et al. and German Patent DE 19826131 A1 issued to Weiberle et al.

For a claim to be rejected for obviousness under 35 U.S.C. § 103(a), the prior art must disclose or suggest each feature of the claim, and it must also suggest combining the features in the manner contemplated by the claim. See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 ; In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990).

Claim 1, as amended, recites the following: "the first control module and the first group of wheel brakes powered by a first electrical power circuit"; "generating electrical control driving signals in a second control module for a control of a braking pressure in a second group of the wheel brakes"; and "the second control module and the second group of wheel brakes are powered by a second electrical power circuit."

Boehringer discloses a hydraulic brake system having a switching valve that establishes the connection between two hydraulic system if the pressure within the first system falls below a threshold value. As illustrates in Figs. 4 and 5, and supported by the accompanying disclosure within the specification, Boehringer uses

purely mechanically implemented valves that automatically switch over in the event of a differential pressure between hydraulic circuits. In other words, Boehringer does not teach or suggest a first electrical power circuit and a second electrical power circuit, as recited in claim 1.

Moreover, Boehringer discloses using switching valves that will switch the coupled brake to the other hydraulic system if the pressure within the system falls below a threshold value. Although these switching valves may be controlled by a trigger signal, this trigger signal is generated in response to a fault in the system. In other words, Boehringer does not teach or suggest the triggering signal as being generated by a control module, as recited in claim 1.

It is also noted that in the present rejection, the Examiner has cited Maisch as teaching the feature of generating a warning to inform a driver of a fault detection, and Weiberle is cited as teaching the concept of limiting the speed by an intervention of engine management. Neither Weiberle nor Maisch has been relied upon by the Examiner to overcome the above-noted deficiencies of Boerhringer. Therefore, even if one skilled in the art combined the applied references, the combination would fail to teach or suggest all of the features of claim 1.

Since claims 3, 6 and 8 depend from claim 1, claims 3, 6 and 8 are allowable for at least the reasons set forth in connection with claim 1.

Claim 4

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Boehringer in view of Weiberle. Applicants resubmit the above-offered position regarding claim 1 because claim 4, as amended, recites the following features: "the first control module and the first group of wheel brakes powered by a first electrical power circuit"; "generating electrical control driving signals in a second control module for a control of a braking ressure in a second group of the wheel brakes"; and "the second control module and the second group of wheel brakes are powered by a second electrical power circuit."

As noted above in connection with claim 1, Boehringer does not teach or suggest a first electrical power circuit and a second electrical power, as recited in claim 4. Moreover, Boehringer does not teach or suggest the control driving signal as being generated by a control module, as in claim 4. Weiberle is cited by the

Examiner as teaching the concept of limiting the speed by an intervention of engine management, and Weiberle does not overcome the above-noted deficiencies of Boerhringer. Therefore, even if one skilled in the art combined the applied references, the combination would fail to teach or suggest all of the claimed features of claim 4.

Claim 7

Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,248,191 issued to Kondo et al. in view of U.S. Patent No. 6,296,325 issued to Corio et al. Since claim 7 has been cancelled herein, the present rejection is moot.

Claim 9

Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Corio in view of Maisch and Weiberle.

Corio is directed to an electromechanical brake system having redundant control units, specifically digital brake control units (BSCUs) 40. The BSCUs provide brake commands to the electromechanical brake actuators (EMAC) so that there is redundancy within the braking system. Therefore, using this redundant system, each BSCU provides brake commands to each of the four EMACs (EMACLeft1, EMACLeft2, EMACRight1 and EMACRight2).

Corio does not teach or suggest the following features of claim 9: "the first control module and the first group of wheel brakes powered by a first electrical power circuit"; "generating electrical control driving signals in a second control module for a control of a braking pressure in a second group of the wheel brakes"; and "the second control module and the second group of wheel brakes are powered by a second electrical power circuit." Rather, Corio teaches the above-noted redundant system providing multiple braking signals to multiple EMACs, which is fundamentally different from the claimed invention of claim 9.

Moreover, as noted above, Weiberle is merely cited for the disclosure of the concept of limiting the speed by an intervention of engine management, and Maisch is cited for teaching the feature of generating a warning to inform a driver of a fault detection. Neither of these references overcomes the above-noted deficiencies of

Corio. Therefore, even if one skilled in the art combined the applied references, the combination would fail to teach or suggest all of the limitations of claim 9, and therefore claim 9 is in allowable condition.

Claim 10

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Corio in view of Maisch and Weiberle. Claim 10, as amended, recites the following features: "the first control module and the first group of wheel brakes powered by a first electrical power circuit"; "generating electrical control driving signals in a second control module for a control of a braking pressure in a second group of the wheel brakes"; and "the second control module and the second group of wheel brakes are powered by a second electrical power circuit."

As noted above, Corio does not teach or suggest a first electrical power circuit and a second electrical power, recited in claim 10. Moreover, Corio does not teach or suggest the control driving signal as being generated by a control module, as recited in claim 10; instead, Corio is directed towards redundant braking systems having extraneous braking commands with multiple EMACs. Weiberle is merely cited for teaching the concept of limiting the speed by an intervention of engine management, and Weiberle does not overcome the above-noted deficiencies of Boerhringer. Therefore, even if one skilled in the art combined the applied references, the combination would fail to teach or suggest all of the claimed limitations of claim 10, and therefore claim 10 is in allowable condition.

CONCLUSION

In light of the foregoing, Applicants respectfully submit that all pending claims 1, 3-4, 6 and 8-10 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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